

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VONCIER WASHINGTON,

Plaintiff,

v.

23-CV-509-LJV
DECISION & ORDER

EXPERIAN INFORMATION
SOLUTIONS, INC.,

Defendant.

On July 17, 2023, the defendant, Experian Information Solutions, Inc. (“Experian”), moved to dismiss the complaint. Docket Item 5. This Court then issued a scheduling order requiring the plaintiff, Voncier Washington, to respond by August 8, 2023, and giving Experian until August 22, 2023, to reply. Docket Item 6. After Washington did not file a response, Experian addressed Washington’s failure to respond in its reply filed on August 18, 2023. Docket Item 7.

On August 21, 2023, this Court ordered Washington to show cause, by September 21, 2023, “why this Court should not decide the motion to dismiss based only on the defendant’s submissions.” Docket Item 8. Washington did not respond to the Court’s order to show cause, and the time to do so has long passed.

On January 8, 2024, this Court ordered Washington to show cause “why his claims should not be deemed abandoned and dismissed” based on his failure to respond to Experian’s motion. Docket Item 9 at 2; *see, e.g., Johnson v. Comm’r of Soc. Sec.*, 519 F. Supp. 2d 448, 448-49 (S.D.N.Y. 2007) (noting that because the plaintiff

failed to respond to a motion to dismiss, the Court “may deem [the plaintiff]’s claims as abandoned”); *Palmer v. BCE Inc.*, No. 03-CV-6421T, 2004 WL 1752601, at *2 (W.D.N.Y. Aug. 4, 2004) (finding that the plaintiff’s “failure to respond to [the] defendant’s motion to dismiss evidences his abandonment of the action”). The Court cautioned that “[i]f Washington does not respond by [February 8, 2024], this Court will deem his claims abandoned and grant Experian’s motion to dismiss on that basis.” Docket Item 9 at 2.

Washington again failed to respond to this Court’s order to show cause, and the time to do so has passed. Accordingly, this Court hereby deems Washington’s claims abandoned and GRANTS Experian’s motion to dismiss, Docket Item 5. The Clerk of Court shall close this case.

SO ORDERED.

Dated: February 20, 2024
Buffalo, New York

/s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE